

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF AUGUST 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|--|----------------------------------|
| PRESENT: | Gary D. Creed | -Chair |
| | Steve L. Spradlin | -Vice Chair |
| | Mary W. Biggs | -Supervisors |
| | Doug Marrs | |
| | Annette S. Perkins (Arrived 8:25 p.m.) | |
| | James D. Politis | |
| | B. Clayton Goodman, III | -County Administrator |
| | L. Carol Edmonds | -Assistant County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Karen Edmonds | -Human Resources Director |
| | Daisy Shull | -Benefits Coordinator |
| | Robert C. Parker | -Public Information Officer |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |
| ABSENT: | John A. Muffo | -Supervisor |

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS

Wayne Marsico addressed concerns about Flick Drive in Shawsville. In 1972 the residents made an agreement with the County and VDOT to have the entire road paved, which the County was to pay half the cost and the residents to pay half. In 1996, the residents along Flick Drive submitted a petition to get Flick Drive added to the County's Six Year Road Plan in order to get this road paved. This area is growing and now has thirty houses in less than a mile. Mr. Marsico submitted a new petition requesting that Flick Drive be paved.

Dennis Brooks addressed the Board concerning Flick Drive. Mr. Brooks reported last year his driveway washed out due to flooding. His home is in the non-state maintained portion of the road. Neither school buses nor the postal carrier will drive down the non-state maintained portion; therefore, children have to walk $\frac{3}{4}$ mile to the bus stop and residents have to drive to get their mail. He said the entire road needs to be paved and asked the Board for their help.

Michael Yopp agreed with the previous speakers. He asked if VDOT could do maintenance work on the road such as cutting the brush. He also stated that there is a 40 ft. right-of-way; therefore, the road should be paved without any problems.

Thomas Graham said the residents on Flick Drive have been waiting ten years to get their road paved and he is concerned about the school buses not traveling on the non-state maintained portion to pick up their children. He believes this to be a safety issue and asked the Board's help in getting Flick Drive paved.

James Noonkester addressed the Board concerning Prices Fork Road. Mr. Noonkester requested the Board adopt a resolution requesting primary road status for Prices Fork Road. He believes if Prices Fork Road were to be a primary road it would be more beneficial to the community.

Stephen Vassar expressed concerns with noise due to trains along Big Spring Drive. Mr. Vassar stated the number of trains and frequency of trains has increased dramatically. Also, due to the recent change in law, all trains are required to blow their horn at railroad crossings. It seems the horn blowing is non-stop. He asked if the County could look into a noise ordinance or to consider establishing quiet zones.

Regina Vassar is also concerned about the train whistle, which blows every 15 minutes. This has affected their life, as they can't make a simple phone call or have guest over due to the trains blowing their horns. Ms. Vassar also expressed concern over the dust created by the trains. Their house is covered with black dust on a daily basis. She requested the Board's help in getting this issue resolved.

Larry Bechtel, sculptor, requested on behalf of the Nannie B. Hairston Sculpture Committee, the Board's support to help with the cost of the Nannie B. Hairston Sculpture. The cost of \$4,000 pays for the casting and mounting of the sculpture. Mr. Bechtel stated Ms. Hairston is a true elder of the community. He also asked the Board to help decide on the display location for the sculpture.

There being no further speakers, the public address session was closed.

DELEGATION

Virginia Department of Transportation

David Clarke, Resident Engineer, explained the process for primary road status. He stated a few residents in the Prices Fork area are interested in seeing Prices Fork Road become a primary road. Only the Commonwealth Transportation Board (CTB) has the authority to change a secondary road to a primary road, other than specific legislation from the General Assembly. The CTB looks to Virginia Department of Transportation for recommendations. VDOT bases its recommendations on the following criteria:

- Serves as a link between interstate or intrastate highways, or both
- Serves a site of historical or scenic interest
- Connects county seats
- Has a minimum traffic volume of 2,000 vehicles per day
- Carries a minimum of:
 - o 7% out of state vehicles
 - o 20% light and medium trucks
 - o 2% tractor trailers and buses
 - o 20% of traffic is on trips of 25 miles or more
 - o 5% of traffic is on trips of 100 miles or more.

Those roads suited for primary road status should fully conform to a majority of these criteria. Mr. Clarke stated that a car to car survey will need to be done on Prices Fork Road in order to determine some of this criteria, such as purpose of travel and miles of travel. This survey will require all cars to be stopped, which will create a delay in travel.

Mr. Clarke also explained that the Board of Supervisors sets the priority on secondary road construction funds. Primary road construction funds compete for funds and priority with 11 other counties and the CTB sets the priority. The primary road overlay schedule is determined on a district-wide level based on a visual inspection and rating system. The secondary road overlay schedule is determined by VDOT staff in the Christiansburg office.

Mr. Clarke stated in his opinion he would not recommend Prices Fork Road to be changed to primary status. He does not believe Prices Fork Road will meet all the criteria needed for primary road status. Also, as mention above, primary roads compete with other districts for funding and the County would lose control over the construction and maintenance of the road.

Mr. Clarke also answered questions by the Board regarding several other road issues.

New River Community Action

Glenda Vest, New River Community Action (NRCA), made a presentation on Poverty Data for the New River Valley of Virginia. NRCA collected data from different federal, state and local agencies to determine a low income needs assessment for the New River Valley. According to data from the Year 2000, with a population of 83,629, 20.7% of individuals are living in poverty in Montgomery County. There are 561 families with children under 5 years that are living in poverty. Ms. Vest also provided data on female household families, elderly, disabled and children that are living in poverty. This report includes medical, employment, income and affordable housing information. Ms. Vest hopes that the Board of Supervisors finds this information valuable.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously, the following addendum dated August 8, 2005 was added to the agenda:

INTO CLOSED MEETING:

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Falling Branch Industrial Park/VDOT

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| James D. Politis | None | John A. Muffo |
| Annette S. Perkins | | |
| Steve L. Spradlin | | |
| Doug Marrs | | |
| Mary W. Biggs | | |
| Gary D. Creed | | |

CONSENT AGENDA

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously, the Consent Agenda dated August 8, 2005 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Mary W. Biggs | None | John A. Muffo |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| Annette S. Perkins | | |
| James D. Politis | | |
| Gary D. Creed | | |

Approval of Minutes

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously, the minutes dated July 11, 2005 were approved.

A-FY-06-16
RE-APPROPRIATION OF
COMPREHENSIVE SERVICES ACT FUNDS
FROM FY 05 TO FY 06

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | |
|--------------------------------|-----------|
| 510 Comprehensive Services Act | \$872,457 |
|--------------------------------|-----------|

The sources of the funds for the foregoing appropriation are as follows:

| | |
|---|------------------|
| <u>Revenue Account</u> | |
| 02510-424445 Comprehensive Services Act | \$625,203 |
| 02-451205 Designated Fund Balance | <u>\$247,254</u> |
| Total | \$872,457 |

Said resolution re-appropriates the state Comprehensive Services Act allocation and the corresponding local match remaining at June 30, 2005 for use in FY 06 for goods and services received in FY 05.

A-FY-06-17
DOMESTIC VIOLENCE
VICTIM GRANT

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

| | |
|----------------------------------|----------|
| 201 Commonwealth Attorney Grants | \$50,000 |
|----------------------------------|----------|

The source of the funds for the foregoing appropriation is as follows:

| | |
|---|----------|
| <u>Revenue Account</u> | |
| 02201-424401 Domestic Violence Victim Grant | \$50,000 |

Said resolution appropriates the Domestic Violence Victim Grant funds.

A-FY-06-18
VICTIM WITNESS GRANT

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

| | | |
|-----|----------------------|-----------|
| 551 | Victim Witness Grant | \$134,195 |
|-----|----------------------|-----------|

The source of the funds for the foregoing appropriation is as follows:

| | |
|------------------------|----------------------|
| <u>Revenue Account</u> | |
| 25511-424401 | Victim Witness Grant |
| | \$134,195 |

Said resolution appropriates the Victim Witness Grant funds for FY 06.

A-FY-06-19
SHERIFF
RECOVERED COSTS

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|----------------------|---------|
| 310 | Sheriff - Comp Board | \$1,756 |
|-----|----------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| | |
|------------------------|-----------------|
| <u>Revenue Account</u> | |
| 419108 | Recovered Costs |
| | \$1,756 |

Said resolution appropriates recovered costs from extraditions.

OLD BUSINESS

R-FY-06-17 SPECIAL USE PERMIT CHARLIE & VICKIE TAYLOR CUSTOM MEAT PROCESSING

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Charlie & Vickie Taylor (Agent: Harvey & Patricia Hill) request for a special use permit in Agriculture (A-1) to allow custom meat cutting, processing & sales, is hereby approved subject to the following conditions:

1. This special use permit authorizes custom meat cutting, processing & sales only – no slaughter shall occur on site. The building(s) involved in this use shall not exceed 900 square feet in area and shall be located no closer than thirty (30) feet to the side property lines.
2. The hours of operation will be 7am to 11pm with receipt of animals 7am to 8pm.
3. A buffer consisting of evergreen trees six feet in height and spaced 15 feet apart shall be planted along the eastern and western property lines. Dead or diseased trees shall be replanted with new evergreen trees at least six (6) feet in height. This planting shall occur prior to occupancy of the proposed building.
4. There will be no retail sales on the property.
5. Pursuant to Virginia Department of Agriculture and Consumer Services regulations, this facility will be inspected by the Virginia Department of Agriculture if beef, poultry, pork or lamb is processed.
6. All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.
7. The facility shall comply with all state and federal regulations applicable to custom meat cutting, processing, and sales.
8. A Land Use Permit must be obtained from the VA Department of Transportation (VDOT) prior to the issuance of a building permit.

The property is located at 2959 Peppers Ferry Road (Rte. 114) and is identified as Tax Parcel No. 64-A-138D (Acct ID # 031830) in the Riner Magisterial District. The property currently lies in an area designated as Belview Village in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

Steve L. Spradlin
Annette S. Perkins
James D. Politis
Mary W. Biggs
Doug Marrs

NAY

None

ABSTAIN

Gary D. Creed

ABSENT

John A. Muffo

**ORD-FY-06-03
FRANK AND RUTH CUPP
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF APPROXIMATELY 1.75 ACRES
FROM RESIDENTIAL (R-3) TO RESIDENTIAL MULTIPLE-FAMILY (RM-1)**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1.75 acre tract of land is hereby amended and rezoned from the zoning classification of Residential (R-3) to Residential Multiple-Family (RM-1) with the following proffered conditions:

1. The rezoning is limited to Residential Multi-Family (RM-1) to allow the construction of five (5) single family attached townhouses.
2. A "Type 1" landscape buffer plan shall be provided and installed prior to obtaining a building permit.
3. There will be no vehicular access to Arden Lane from the site.
4. Only one (1) driveway to serve the five (5) attached townhouses; driveway to be placed on the west side of the property (when facing the property from Huff Lane, the driveway is to be on the left side of property, approximately where the existing driveway is now).

This action was commenced upon the application of Frank and Ruth Cupp (Agent: Mathews & Henegar).

The property is located at 1138 & 1140 Huff Lane (Rte. 733) and is identified as Tax Parcel No. 66-6-3 (Acct ID # 000378) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

Annette S. Perkins
James D. Politis
Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Gary D. Creed

NAY

None

ABSENT

John A. Muffo

**ORD-FY-06-04
EMORY ELLIOTT
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF 1.97 ACRES
FROM AGRICULTURE (A-1)
TO COMMUNITY BUSINESS (C-B)**

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1.97 acres is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Community Business (C-B) with the following proffered conditions:

1. Uses under the Community Business (CB) designation will be limited to the following:
 - a. Garden center
 - b. General convenience store
 - c. Office, Administrative, Business, Professional – less than 3,000 sq.ft.
 - d. Restaurant
 - e. Retail Sales- less than 3,000 sq. ft.

This action was commenced upon the application of Emory Elliott.

The property is located at 4338 Prices Fork Road and is identified as Tax Parcel No. 51-A-101 (Acct ID # 013755) in the Prices Fork Magisterial District. The property currently lies in an area designated as Village Core in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| James D. Politis | None | John A. Muffo |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Annette S. Perkins | | |
| Steve L. Spradlin | | |
| Gary D. Creed | | |

R-FY-06-18
A RESOLUTION TABLING THE REQUEST
TO VACATE BIRDIE ROAD
LOCATED IN SECTION 3 OF THE
BLACKSBURG COUNTRY CLUB ESTATES
SUBDIVISION RECORDED IN PLAT BOOK 5 AT PAGE 83
IN THE MONTGOMERY COUNTY
CIRCUIT COURT CLERK'S OFFICE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the Montgomery County, Virginia hereby **tables** the request by Frank Tomasson Jannuzi, Barbara G. Jannuzi and Elaine E. Flippo to vacate the unimproved right-of-way identified as Birdie Road located in the Blacksburg Country Club Estates in order to obtain additional information from the New River Valley Health Department and Montgomery County Planning Department regarding septic issues.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Mary W. Biggs | None | John A. Muffo |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| James D. Politis | | |
| Annette S. Perkins | | |
| Gary D. Creed | | |

R-FY-06-19
SPECIAL USE PERMIT
BLACKSBURG
VOLUNTEER FIRE DEPARTMENT
TELECOMMUNICATIONS TOWER

On a motion by Steve L. Spradlin, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Blacksburg Volunteer Fire Department request for a special use permit on approximately .489 acre in Agriculture (A-1) to allow a communications tower is hereby approved subject to the following conditions:

1. Tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Tower shall be of a “monopole stealth design” with approximate diameter of two (2) feet @ tree canopy (80 ft) and one (1) foot diameter at top. All antennae shall be mounted within thirty-six (36) inches of the structure. All wiring and cables shall be located inside the pole structure.
3. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building official prior to issuance of a building permit.
4. Tower structure shall be for governmental agency use only. No platforms or dishes shall be permitted on the structure above the tree line.
5. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
6. Electricity to the site will be permitted provided lines follow existing forest service road west of the Laurel Ridge Subdivision.
7. Space will be reserved on the Tower for the Montgomery County Sheriff’s Office.
8. Should the Sheriff’s Office decide to occupy the reserved space, the office will share in the maintenance cost of the tower with other partners.

The property is located at 3569 Pandapas Pond Road (Forest Service Road) and is identified as Tax Parcel No. 26-A-4 (Acct ID #018667 in the Prices Fork Magisterial District. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Mary W. Biggs | None | John A. Muffo |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| Annette S. Perkins | | |
| James D. Politis | | |
| Gary D. Creed | | |

NEW BUSINESS

R-FY-06-20 LOCAL REAL ESTATE TAXING AUTHORITY

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, In 1926 then Governor Byrd exchanged the Commonwealth's right to impose a real estate tax for local government's agreement to give up the right to impose an income tax; and

WHEREAS, The real estate tax is the primary source of local income, at an average of 48% of all local revenues collected statewide; and

WHEREAS, As the principal source of income for local government, localities rely heavily on this source of income to meet federal and state mandates for services, especially education and public safety; and

WHEREAS, Two of the candidates in the 2005 election for Governor of the Commonwealth (former Attorney General Jerry Kilgore and Lt. Governor Tim Kaine) have stated as a high priority for their respective campaigns the imposition of an assessment or other limitations on the residential component of the real estate tax, which would severely restrict localities and would constitute a breach of trust from the agreement reached in 1926; and

WHEREAS, The proposal from either candidate would weaken budget discipline, since support for services would not necessarily be linked to the responsibility to pay for them, and could potentially force a greater dependence on taxation of the business sector to support local services, thereby harming economic development in the Commonwealth; and

WHEREAS, In 1997, in the campaign for Governor, then candidate James Gilmore used as the cornerstone for his campaign, the repeal of the personal property tax on non-business use motor vehicles, which is credited with his winning the office; and

WHEREAS, The cost to the citizens was greatly underestimated, which has since led the General Assembly to place a cap on the state's commitment to make its payments to localities under this plan.

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors calls upon these two gubernatorial candidates, and upon all candidates for state and federal office, to refrain from establishing local tax policy at the state or federal level, due to the potential negative impact such action may have on the ability of local government to deliver local services; and

FURTHER, Should a candidate or legislator desire to impact tax policy as it relates to the real estate or other local tax, that the candidate or legislator use as the tool to address such policy tax credits or deductions to state or federal income taxes in lieu of enacting limitations on local taxing authority.

FURTHER, That it is imperative for local government to retain sole control over the decisions which determine equity of local taxation policy, if governing bodies are to effectively address local service needs.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Doug Marrs | None | John A. Muffo |
| Steve L. Spradlin | | |
| Annette S. Perkins | | |
| James D. Politis | | |
| Mary W. Biggs | | |
| Gary D. Creed | | |

R-FY-06-21
RESOLUTION CREATING THE
GREENWAYS AND PATHWAYS
CORRIDOR COMMITTEE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Montgomery County's 2025 Comprehensive Plan recognizes the six villages of Belview, Elliston/Lafayette, Plum Creek, Price's Fork, Riner, and Shawsville as being separate and distinct from each other and from nearby towns, serving as focal points for surrounding rural areas; and

WHEREAS, The County's Planning Department and Parks and Recreation Department are working together to incorporate greenway and pathway planning and design within the village planning process; and

WHEREAS, The benefits of this plan will be to link local resources within the villages together by pathways thus reducing the amount of vehicular traffic and commuter trips to and from neighborhoods, and allowing for higher density and more efficient land use by reducing auto-oriented suburbanization in the County; and

WHEREAS, The Board of Supervisors desires to create the Greenways and Pathways Corridor Committee as an advisory board commissioned to work with the Montgomery County Planning Commission and the Parks and Recreation in conjunction with the comprehensive village planning process to identify future greenway corridors and pathways within each village,

which will link community resources.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby establishes the Greenways and Pathways Corridor Committee, to be composed of nine (9) voting members and one (1) liaison member from the Town of Blacksburg, and one (1) liaison member from the Town of Christiansburg, to be appointed by the Board of Supervisors as follows:

- 1 member of the Board of Supervisors
- 1 member of the Parks and Recreation Commission
- 1 member of the Planning Commission
- 1 citizen member representing the Village of Belview
- 1 citizen member representing the Village of Elliston/Lafayette
- 1 citizen member representing the Village of Plum Creek
- 1 citizen member representing the Village of Price's Fork
- 1 citizen member representing the Village of Riner
- 1 citizen member representing the Village of Shawsville
- 1 liaison member representing the Town of Blacksburg
- 1 liaison member representing the Town of Christiansburg

BE IT FURTHER RESOLVED, Citizen appointments will be advertised, the Blacksburg Town Council and the Christiansburg Town Council will be requested to make a recommendation for appointment of liaison members to represent their respective Towns.

BE IT FURTHER RESOLVED, That the appointed term for each member shall be three (3) years, or until such time that the elected official or appointed official leaves office. A vacancy caused by resignation or an elected or appointed official leaving office shall be filled by the Board of Supervisors in the same manner as the original appointment except that the term of office shall be restricted to the unexpired term of office.

BE IT FURTHER RESOLVED, That the purpose of the Greenways and Pathways Corridor Committee is to serve as an advisory board to the Montgomery County Board of Supervisors and work in conjunction with the comprehensive village planning process to:

- identify future greenway corridors and pathways within each village
- develop trail and greenway standards to be applied in all future projects
- act as a project review committee for the planning commission when projects involve greenways and trails
- identify routes for linking villages to other villages and regional resources
- identify availability of resources and schedule for project implementation

BE IT FURTHER RESOLVED, That bylaws established for the Greenways and Pathways Corridor Committee shall be approved by the Board of Supervisors, and any amendments to the bylaws must be approved by the Board of Supervisors prior to going into effect.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Steve L. Spradlin | None | John A. Muffo |
| James D. Politis | | |
| Annette S. Perkins | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Gary D. Creed | | |

R-FY-06-22
REQUEST TO LEGISLATORS
TO SUBMIT LEGISLATION TO THE
2006 GENERAL ASSEMBLY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Section 58.1-3819 of the Code of Virginia of 1950, as amended, allows counties, by duly adopted ordinance, to levy a transient occupancy tax in an amount not to exceed two percent; and

WHEREAS, 13 counties have specific authorization to levy a tax not to exceed 5% and the revenues from the portion of the tax above 2% be spent for tourism; and

WHEREAS, The Board of Supervisors desires to be included with these other 13 counties and be provided the authority by the General Assembly to increase the County's Transient Occupancy Tax; and

WHEREAS, The Montgomery County Chamber of Commerce has asked both Towns and the County to provide 1% of the revenues collected from the Transient Occupancy Tax be provided to their agency to support tourism efforts in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County's legislative delegation is requested to submit legislation for the 2006 General Assembly session to include Montgomery County with the list of 13 other counties granted the authority to increase the tax from 2% to a maximum of 5% with revenues above the 2% collection being used for tourism.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| James D. Politis | None | John A. Muffo |
| Annette S. Perkins | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| Gary D. Creed | | |

R-FY-06-23
REVISE COMPENSATION AND
CLASSIFICATION PLAN-DEPARTMENT
OF SOCIAL SERVICES POSITIONS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Department of Social Services was incorporated into the County's Compensation and Classification Plan effective July 1, 2005; and

WHEREAS, Changes or additions to the Compensation and Classification Plan requires approval by the Board of Supervisors; and

WHEREAS, The Social Services Director requests that the Board of Supervisors approve the reclassification of an existing position and the addition of a new position to the Compensation and Classification Plan; and

WHEREAS, Both of these requested actions have been approved by the Social Services Board; and

WHEREAS, The reclassification request will require additional funds in the amount of \$3,897 and the additional position requires \$31,220 of which is from new state funding of \$25,688 with the mandated local match of \$6,422.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following changes to the Compensation and Classification Plan are approved:

Reclassification:

| | |
|------------------------|-----------|
| Administrative Manager | Grade 117 |
| to Assistant Director | Grade 122 |

Addition of New Position

| | |
|----------|---------------|
| DSS Aide | Pay Grade 110 |
|----------|---------------|

The vote on the foregoing resolution was as follows:

| | | |
|--------------------|------------|---------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| Annette S. Perkins | None | John A. Muffo |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| James D. Politis | | |
| Gary D. Creed | | |

R-FY-06-24
A RESOLUTION
CHANGING THE STARTING TIME
OF THE REGULAR
BOARD OF SUPERVISOR MEETINGS
FROM 7:15 P.M. TO 6:00 P.M.

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Presently the Board of Supervisors Regular Meeting date and starting time for the 2005 calendar year is the 2nd and 4th Monday of each month beginning at 7:15 p.m.; and

WHEREAS, The Board of Supervisors desires to change the starting time of the Regular Board Meetings from 7:15 p.m. to 6:00 p.m. in order for the Board to consider closed session at the beginning of the meeting; and

WHEREAS, The time change shall take effect at the Board's August 22, 2005, Regular Meeting and remain in effect for the remainder of the 2005 calendar year unless otherwise changed.

NOW, THEREFORE, BE IT RESOLVED, Beginning with the August 22, 2005, Board of Supervisors Meeting, the regular meetings of the Board of Supervisors for the remainder of calendar year 2005 shall be the 2nd and 4th Monday of each month beginning at 6:00 p.m., if closed session is required, otherwise the meetings shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provide that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Mary W. Biggs | None | John A. Muffo |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| James D. Politis | | |
| Annette S. Perkins | | |
| Gary D. Creed | | |

R-FY-06-25
PUBLIC SERVICE AUTHORITY DEBT
SHAWSVILLE WATER SYSTEM
IMPROVEMENTS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried,

WHEREAS, In July 1991 the Board of Supervisors authorized \$200,000 for use by the Public Service Authority (PSA) for improvements to the Shawsville Water System as a loan to be repaid when PSA funds became available, and to be re-evaluated after a period of five years; and

WHEREAS, Effective July 1, 1997 interest income paid monthly to the County from the Pepper's Ferry escrow account shall be considered as payment made against this advance with the terms re-evaluated after a period of five years; and

WHEREAS, The current balance owed the County from this loan to the PSA totals \$109,448; and

WHEREAS, It has been 14 years since the loan was originated and 45% of the loan has been repaid.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the balance of this loan and any accrued interest due the County by the PSA is forgiven and no payment is required.

Said resolution forgives the repayment by the PSA of the balance of the loan and accrued interest for the Shawsville Water System Improvements.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|---------------|---------------|
| Steve L. Spradlin | Mary W. Biggs | John A. Muffo |
| James D. Politis | Doug Marrs | |
| Annette S. Perkins | | |
| Gary D. Creed | | |

R-FY-06-26
RESOLUTION DENYING THE
FORGIVENESS OF
PUBLIC SERVICE AUTHORITY DEBT
NEW RIVER PUMP STATION
PRICES FORK WATER STATION
MUNIS UTILITY BILLING SOFTWARE
FINANCIAL SERVICES

On a motion for approval by Mary W. Biggs and seconded by Steve L. Spradlin, a proposed resolution to forgive repayment of a loan to the Public Service Authority for the New River Pump Station, Prices Fork Water Project, MUNIS Utility Billing Software, and Financial Services in the amount of \$145,012 plus interest, was **DENIED**.

The vote was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|------------|--------------------|---------------|
| None | Doug Marrs | John A. Muffo |
| | Steve L. Spradlin | |
| | Annette S. Perkins | |
| | James D. Politis | |
| | Mary W. Biggs | |
| | Gary D. Creed | |

Motion was for approval.

A-FY-06-20
ADDITIONAL APPROPRIATION
PSA CASH ADVANCE

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the

fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|-------------|-----------|
| 890 | PSA Advance | \$150,000 |
|-----|-------------|-----------|

The source of the funds for the foregoing appropriation is as follows:

| | | |
|------------------------|---------------------------|-----------|
| <u>Revenue Account</u> | | |
| 451203 | Undesignated Fund Balance | \$150,000 |

Said resolution appropriates funds to the PSA for the Huckleberry sewer project.

The vote on the foregoing resolution was as follows:

| | | |
|--------------------|------------|---------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| Steve L. Spradlin | None | John A. Muffo |
| Annette S. Perkins | | |
| James D. Politis | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Gary D. Creed | | |

INTO WORK SESSION

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Elliston/Lafayette Village Plan
2. Health Insurance

The vote on the foregoing motion was as follows:

| | | |
|--------------------|------------|---------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| James D. Politis | None | John A. Muffo |
| Annette S. Perkins | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| Gary D. Creed | | |

Elliston-Lafayette Village Plan

The County Administrator reported due to the unforeseen absence of the Planning Director, the presentation on the Elliston-Lafayette Village Plan will be re-scheduled for the August 22, 2005 Board Meeting.

Health Insurance

Thomas MacKay, Palmer & Cay, the County's human resource consultant, presented information on the history of the New River Valley Health Insurance Consortium and the County's current insurance plan. Mr. MacKay stated that the Consortium had a new plan design for 2005, which offered a modified POS plan and a Low PPO plan. The majority of county employees chose the modified plan, 92 employees chose the low plan, while 10 employees waived medical coverage. The Consortium is trying to provide plans that will incent employee responsible behavior and slow utilization.

Mr. MacKay also provided information on cash payment offers. Usually cash out options is offered under a full flexible benefit plan, where the employee is offered more money in a flexible benefit plan, which can be used towards medical expenses. Cash out options have to be designed very carefully to guard against anti-selection if the younger healthy employee leaves the plan. If the younger healthy employee leaves the plan, this leaves the older non-healthy employee who utilizes the plan more. This can increase the cost of health insurance premium for everyone because there is not an equal balance in the plan. Mr. MacKay suggested that if the County wishes to implement a cash out option, then a survey should be conducted to determine what the needs are and if an employee would consider such an option.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Annette S. Perkins | None | John A. Muffo |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| James D. Politis | | |
| Gary D. Creed | | |

COUNTY ADMINISTRATOR'S REPORT

Trailer Decals

The Treasurer submitted a letter of request regarding County decals for large and small trailers. He is requesting the removal of the weight factor when determining the fee for decals on trailers. Currently the decal fee for larger trailers is \$15.00 and for small trailers is \$5.00. The Treasurer's office is incurring significant billing problems due to the weight information for trailers from the DMV is incorrect or missing. Removing the weight factor and charging \$10.00 for all trailer decals would eliminate our need for weight information in the billing process.

The Board discussed the Treasurer's request and asked staff to check with the Town of Blacksburg and Town of Christiansburg on how they bill for trailers. Several members expressed concern with increasing the fee for smaller trailers. It was also suggested that fees be based upon the number of axles instead of gross weight, as the number of axles is on the trailer registration.

FY 06-07 Budget Process

During the FY 05-06 budget process, the Board of Supervisors asked staff to continue to revise and change the budget presentation and enhance communication and interaction between parties, especially in regard to the County school staff. To date, staff has been working on revisions to the budget documents to develop a new budget preparation format and process. The Budget Manager has initiated budget review with departments to help provide departments with more and better information, which can be used to develop the proposed FY 06-07 budget.

The County Administrator and the Assistant County Administrator have been meeting with the School Superintendent and School Finance Manager on a monthly basis to discuss FY 06-07 budget matters. By working together in the beginning of the process, it is anticipated that better information can be shared among the Board of Supervisors and School Board.

Supervisor Biggs suggested that County staff meet with departments that have the highest expenditures to analyze their budget to help control costs. By Board consensus, the County Administrator was directed to analyze these budgets.

BOARD MEMBERS' REPORTS

Supervisor Spradlin Prices Fork Road – Primary Status Supervisor Spradlin believes a study needs to be conducted to determine if Prices Fork Road meets VDOT's criteria for primary status. He believes the results of the study would help the Board of Supervisors make an informed decision on whether as to request primary status.

Supervisor Spradlin made a motion, seconded by Supervisor Biggs, to request VDOT to conduct a survey on Prices Fork Road to determine if Prices Fork Road is eligible for primary road status.

Several Board members questioned if the residents of Prices Fork wanted primary road status. Also what is the cost for a study to be conducted and who would cover the cost of the study?

Due to the uncertainty of a few issues, Supervisor Spardlin withdrew his motion. He did request staff to contact VDOT to determine how much a survey would cost and who would bear the cost of the survey.

Supervisor Marrs Western Virginia Regional Jail Authority Supervisor Marrs attended several meetings on August 3 and August 4, 2005 for the WVRJA. He reported that the Authority would be requesting approval to apply for short-term borrowing for land acquisition, land surveys, jail design, and architectural and engineering services. The County Administrator explained the reason for short-term borrowing. This request will be brought before the Board in the near future.

Supervisor Biggs will be attending the Commerce Park meeting scheduled for August 10, 2005. Also the Planning Commission will be holding a public hearing on the Ellistion/Lafayette Village Plan on August 17, 2005.

Citizen Police Academy starts another session on August 25, 2005. Supervisor Biggs and Supervisor Perkins are planning to attend. Supervisor Politis requested information be forwarded to him on the academy, as he may also want to attend.

Supervisor Creed - Western Virginia Regional Jail Authority Supervisor Creed expressed concern with several issues relating to the Authority. He believes some major issues need to be resolved before the County commits to any financial backing. One issue of concern is the debate of using Sheriff Deputies instead of Correctional Officers. The state code in Virginia allows for only the use of correctional officers in regional jails. There are members of the Authority who would like to use deputies. If the Authority agrees to this proposal, then the Authority would have to get permission from the State.

Supervisor Marrs reported that a sub-committee of the Authority would be meeting with an attorney at their next meeting to discuss this issue. He believes no action needs to be taken by the Board of Supervisors on this issue until the WVRJA has time to discuss this matter and report back to all member localities.

The County Administrator was instructed to inform the WVRJA that Montgomery County would not commit to incur any debt until information is received about the use of sheriff deputies and correctional officers.

Supervisor Biggs asked the County Administrator to contact Sheriff Whitt about Roanoke County Sheriff's action requesting the General Assembly to exempt the WVRJA from using correctional officers in order to use sheriff deputies.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.1-3711 (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Manufacturing Technology Building
 2. Expansion of County Government Center
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Falling Branch Industrial Park/VDOT

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| James D. Politis | None | John A. Muffo |
| Annette S. Perkins | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| Mary W. Biggs | | |
| Gary D. Creed | | |

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Doug Marrs | None | John A. Muffo |
| Annette S. Perkins | | |
| Steve L. Spradlin | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| Gary D. Creed | | |

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs
Annette S. Perkins
James D. Politis
Mary W. Biggs
Steve L. Spradlin
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

ADJOURNMENT

On a motion by Doug Marrs seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, August 22, 2005 at 6:00 p.m.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|--------------------|------------|---------------|
| Doug Marrs | None | John A. Muffo |
| Annette S. Perkins | | |
| Steve L. Spradlin | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| Gary D. Creed | | |

The meeting adjourned at 11:30 p.m.

| | |
|-----------------|--------------------------|
| APPROVED: _____ | ATTEST: _____ |
| Gary D. Creed | B. Clayton Goodman, III. |
| Chair | County Administrator |